

## REMARKS

Claims 1-8 remain pending. Reconsideration of the application is respectfully requested.

Claims 1-8 were again rejected under 35 U.S.C. 103(a) as obvious over Fischell et al (EP 0596172) in view of Siess et al (US 2004/0044266). In rejecting the claims, the Examiner ignored the combination of limitations requiring the channel to be **exclusively** formed of plastic **and** that the dilator is to be **retractable** from the channel. The Fischell device consists of an outer plastic covering 20 over an inner metal coil 12. The reference teaches that the outer covering is to be attached so as to "fit tightly" about the coil, such as by heat shrinking, hot dipping or over extrusion ((page 3, lines 27-30). Contrary to the Examiner's characterization, such construction clearly precludes interpreting the outer covering to comprise a separate component, let alone that the inner coil is to be in any way "retractable." It should also be noted that the inner coil can additionally not be retracted as it appears that its diameter is greater than bore 32, and substantially greater than hole 42. Moreover, such an interpretation directly contradicts the overall teaching of the reference which provides for a "non-kinking" sheath. If the inner coil were to be removable as per the Examiner's characterization, the outer coating that remains would not be "non-kinking." Clearly, the cited reference teaches away from an introduction device that is intentionally kinkable. It must also be noted that while the Applicant does refer to conventional introducers in the form of "rigid tubes" (page 1, line 12), a channel exclusively formed of plastic with a wall thickness of only 0.06 mm as is being claimed is not rigid and is not an obvious modification of the previously known introducers that emphasized rigidity.

As was previously noted, the present invention represents a significant departure from the cited art in that no effort is made to enhance kink resistance as wall thickness is reduced. This stems from the applicants' recognition that while a thinner walled sheath will more easily become collapsed and kinked than a thick walled sheath when the dilator is removed, the thinner walled sheath is also more easily straightened out or opened up with the subsequent introduction of a catheter (see specification page 4, lines 6-9). While a conventional thick-walled sheath or a highly reinforced kink-resistant thin-walled sheath would require the reinsertion of the dilator to remove a kink, the sheath of the present invention requires no further intervention as any kinking

would not prevent the subsequent introduction of a catheter. In effect, by providing for the reinforcement of a thin-walled sheath, the cited reference teaches away from the present invention. It is therefore respectfully submitted that obviousness is effectively avoided.

In light of the above amendments and remarks, applicants earnestly believe the application to be in condition for allowance and respectfully request that it be passed to issue.

If any fees are due, please charge our deposit account no. 06-2425.

Respectfully submitted,

FULWIDER PATTON LLP

/Gunther O. Hanke/  
Gunther O. Hanke  
Registration No. 32,989

GOH/lm

296813.1  
296813.1